

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 87th General Assembly
3 Regular Session, 2009
4

As Engrossed: S2/23/09

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
36 positions authorized herein are hereby governed by the provisions of the



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

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

21
 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 for the 2009-2010 fiscal year, the following maximum number of
 25 part-time or temporary employees, to be known as "Extra Help", payable from
 26 funds appropriated herein for such purposes: five (5) temporary or part-time
 27 employees, when needed, at rates of pay not to exceed those provided in the
 28 Uniform Classification and Compensation Act, or its successor, or this act
 29 for the appropriate classification.

30
 31 SECTION 3. APPROPRIATION - OPERATIONS. There is hereby appropriated, to
 32 the Department of Education - Division of Public School Academic Facilities
 33 and Transportation, to be payable from the Division of Public School Academic
 34 Facilities and Transportation Fund Account, for personal services and
 35 operating expenses of the Department of Education - Division of Public School
 36 Academic Facilities and Transportation for the fiscal year ending June 30,

1 2010, the following:

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

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

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| 27 ITEM | FISCAL YEAR |
|---|------------------|
| 28 <u>NO.</u> | <u>2009-2010</u> |
| 29 (01) ACADEMIC FACILITIES EXTRAORDINARY | |
| 30 CIRCUMSTANCES PROGRAM | \$ 0 |
| 31 (02) ACADEMIC FACILITIES PARTNERSHIP | 470,073,567 |
| 32 (03) ACADEMIC EQUIPMENT | 7,500,000 |
| 33 (04) ACADEMIC FACILITIES CATASTROPHIC | 7,682,337 |
| 34 (05) ACADEMIC FACILITIES HIGH GROWTH | 5,000,000 |
| 35 (06) IMMEDIATE REPAIR | 0 |
| 36 (07) TRANSITIONAL ACADEMIC FACILITIES | <u>0</u> |

1 TOTAL AMOUNT APPROPRIATED \$ 490,255,904

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3 SECTION 5. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
4 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
5 AUTHORITY. The Director of the Department of Education – Division of Public
6 School Academic Facilities and Transportation, with the approval of the Chief
7 Fiscal Officer of the State and after approval by the Arkansas Legislative
8 Council or Joint Budget Committee, is hereby authorized to request necessary
9 appropriation transfers and any other budget related adjustments necessary
10 for the appropriations authorized herein. Furthermore, it is the intent of
11 the General Assembly that the Department of Education - Division of Public
12 School Academic Facilities and Transportation be able to make use of
13 additional contractual services as necessary and that transfers between line
14 items and among appropriations are anticipated to accomplish those purposes.
15 Provided, however, that the Department of Education - Division of Public
16 School Academic Facilities and Transportation shall be limited to submitting
17 no more than two transfer requests during any fiscal year.

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

36 The provisions of this section shall be in effect only from July 1, 2007

1 2009 through June 30, ~~2009~~ 2010.

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

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

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22 SECTION 8. EMERGENCY CLAUSE. It is found and determined by the General
23 Assembly, that the Constitution of the State of Arkansas prohibits the
24 appropriation of funds for more than a one (1) year period; that the
25 effectiveness of this Act on July 1, 2009 is essential to the operation of
26 the agency for which the appropriations in this Act are provided, and that in
27 the event of an extension of the Regular Session, the delay in the effective
28 date of this Act beyond July 1, 2009 could work irreparable harm upon the
29 proper administration and provision of essential governmental programs.
30 Therefore, an emergency is hereby declared to exist and this Act being
31 necessary for the immediate preservation of the public peace, health and
32 safety shall be in full force and effect from and after July 1, 2009.

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/s/ Joint Budget Committee

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