

Stricken language will be deleted and underlined language will be added.

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

As Engrossed: H3/7/23

A Bill

HOUSE BILL 1093

5 By: Joint Budget Committee
6

For An Act To Be Entitled

8 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES
9 AND OPERATING EXPENSES FOR THE DEPARTMENT OF
10 EDUCATION - ARKANSAS STATE LIBRARY FOR THE FISCAL
11 YEAR ENDING JUNE 30, 2024; AND FOR OTHER PURPOSES.
12
13

Subtitle

14 AN ACT FOR THE DEPARTMENT OF EDUCATION -
15 ARKANSAS STATE LIBRARY APPROPRIATION FOR
16 THE 2023-2024 FISCAL YEAR.
17
18
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

22 SECTION 1. REGULAR SALARIES. There is hereby established for the
23 Department of Education - Arkansas State Library for the 2023-2024 fiscal
24 year, the following maximum number of regular employees.
25

26				Maximum Annual
27				Salary Rate
28	Item	Class	Maximum	Fiscal Year
29	No.	Code	No. of	2023-2024
	No.	Code	Employees	
30	(1)	U031U	1	GRADE SE01
31	(2)	N161N	1	GRADE GS12
32	(3)	E012C	1	GRADE GS10
33	(4)	E021C	9	GRADE GS09
34	(5)	E030C	5	GRADE GS08
35	(6)	E041C	7	GRADE GS07
36	(7)	A074C	1	GRADE GS06



1	(8) E052C LIBRARIAN	3	GRADE GS06
2	(9) P027C PUBLIC INFORMATION SPECIALIST	1	GRADE GS06
3	(10) V014C BUYER	1	GRADE GS05
4	(11) C056C ADMINISTRATIVE SPECIALIST III	2	GRADE GS04
5	(12) A098C FISCAL SUPPORT SPECIALIST	2	GRADE GS04
6	(13) C073C ADMINISTRATIVE SPECIALIST II	2	GRADE GS03
7	(14) C069C LIBRARY TECHNICIAN	5	GRADE GS03
8	(15) C085C LIBRARY SUPPORT ASSISTANT	5	GRADE GS02
9	(16) C088C MAIL SERVICES ASSISTANT	1	GRADE GS02
10	(17) C089C LIBRARY TECHNICAL ASSISTANT	<u>2</u>	GRADE GS01
11	MAX. NO. OF EMPLOYEES	49	

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13 SECTION 2. EXTRA HELP - STATE OPERATIONS. There is hereby authorized,
 14 for the Department of Education - Arkansas State Library - State Operations
 15 for the 2023-2024 fiscal year, the following maximum number of part-time or
 16 temporary employees, to be known as "Extra Help", payable from funds
 17 appropriated herein for such purposes: seven (7) temporary or part-time
 18 employees, when needed, at rates of pay not to exceed those provided in the
 19 Uniform Classification and Compensation Act, or its successor, or this act
 20 for the appropriate classification.

21

22 SECTION 3. APPROPRIATION - STATE OPERATIONS. There is hereby
 23 appropriated, to the Department of Education, to be payable from the State
 24 Library Fund Account, for personal services and operating expenses of the
 25 Department of Education - Arkansas State Library - State Operations for the
 26 fiscal year ending June 30, 2024, the following:

27

28	ITEM	FISCAL YEAR
29	<u>NO.</u>	<u>2023-2024</u>
30	(01) REGULAR SALARIES	\$1,749,087
31	(02) EXTRA HELP	10,000
32	(03) PERSONAL SERVICES MATCHING	644,998
33	(04) MAINT. & GEN. OPERATION	
34	(A) OPER. EXPENSE	1,125,091
35	(B) CONF. & TRAVEL	10,000
36	(C) PROF. FEES	0

1	(D) CAP. OUTLAY	0
2	(E) DATA PROC.	0
3	(05) PROMOTIONAL ITEMS	0
4	(06) BOOKS & SUBSCRIPTIONS	<u>230,000</u>
5	TOTAL AMOUNT APPROPRIATED	<u>\$3,769,176</u>

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7 SECTION 4. EXTRA HELP - FEDERAL OPERATIONS. There is hereby

8 authorized, for the Department of Education - Arkansas State Library -

9 Federal Operations for the 2023-2024 fiscal year, the following maximum

10 number of part-time or temporary employees, to be known as "Extra Help",

11 payable from funds appropriated herein for such purposes: five (5) temporary

12 or part-time employees, when needed, at rates of pay not to exceed those

13 provided in the Uniform Classification and Compensation Act, or its

14 successor, or this act for the appropriate classification.

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16 SECTION 5. APPROPRIATION - FEDERAL OPERATIONS. There is hereby

17 appropriated, to the Department of Education, to be payable from the federal

18 funds as designated by the Chief Fiscal Officer of the State, for personal

19 services and operating expenses of the Department of Education - Arkansas

20 State Library - Federal Operations for the fiscal year ending June 30, 2024,

21 the following:

23	ITEM	FISCAL YEAR
24	<u>NO.</u>	<u>2023-2024</u>
25	(01) REGULAR SALARIES	\$502,646
26	(02) EXTRA HELP	22,000
27	(03) PERSONAL SERVICES MATCHING	214,844
28	(04) MAINT. & GEN. OPERATION	
29	(A) OPER. EXPENSE	2,357,700
30	(B) CONF. & TRAVEL	145,000
31	(C) PROF. FEES	0
32	(D) CAP. OUTLAY	40,000
33	(E) DATA PROC.	<u>0</u>
34	TOTAL AMOUNT APPROPRIATED	<u>\$3,282,190</u>

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36 SECTION 6. APPROPRIATION - AID TO PUBLIC LIBRARIES. There is hereby

1 appropriated, to the Department of Education, to be payable from the State
 2 Library Public School Fund Account, to provide aid to public libraries by the
 3 Department of Education - Arkansas State Library - Aid to Public Libraries
 4 for the fiscal year ending June 30, 2024, the following:

6 ITEM	FISCAL YEAR
7 NO.	<u>2023-2024</u>
8 (01) AID TO PUBLIC LIBRARIES	<u>\$10,000,000</u>

9
 10 SECTION 7. APPROPRIATION - GRANTS ADMINISTRATION - CASH. There is
 11 hereby appropriated, to the Department of Education, to be payable from the
 12 cash fund deposited in the State Treasury as determined by the Chief Fiscal
 13 Officer of the State, for operating expenses, grants to libraries, and
 14 promotional items by the Department of Education - Arkansas State Library -
 15 Grants Administration - Cash for the fiscal year ending June 30, 2024, the
 16 following:

18 ITEM	FISCAL YEAR
19 NO.	<u>2023-2024</u>
20 (01) MAINT. & GEN. OPERATION	
21 (A) OPER. EXPENSE	\$223,000
22 (B) CONF. & TRAVEL	150,000
23 (C) PROF. FEES	0
24 (D) CAP. OUTLAY	0
25 (E) DATA PROC.	0
26 (02) GRANTS TO LIBRARIES	0
27 (03) PROMOTIONAL ITEMS	<u>0</u>
28 TOTAL AMOUNT APPROPRIATED	<u>\$373,000</u>

29
 30 SECTION 8. APPROPRIATION - STATE LIBRARY REVOLVING. There is hereby
 31 appropriated, to the Department of Education, to be payable from the State
 32 Library Revolving Fund, for operating expenses of the Department of Education
 33 - Arkansas State Library - State Library Revolving for the fiscal year ending
 34 June 30, 2024, the following:

36 ITEM	FISCAL YEAR
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1	<u>NO.</u>	<u>2023-2024</u>
2	(01) MAINT. & GEN. OPERATION	
3	(A) OPER. EXPENSE	\$6,622
4	(B) CONF. & TRAVEL	0
5	(C) PROF. FEES	0
6	(D) CAP. OUTLAY	0
7	(E) DATA PROC.	<u>0</u>
8	TOTAL AMOUNT APPROPRIATED	<u><u>\$6,622</u></u>

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10 SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 11 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

12 CARRY FORWARD. At the close of the fiscal year ending June 30, ~~2022~~ 2023,
 13 any unexpended balance of monies provided from the State Library Fund Account
 14 for Books and Subscriptions, as provided in the State Operations
 15 Appropriation of this Act, shall be transferred forward and made available
 16 for the same purpose for the fiscal year ending June 30, ~~2023~~ 2024.

17 Any carry forward of unexpended balance of funding as authorized herein,
 18 may be carried forward under the following conditions:

19 (1) Prior to June 30, ~~2023~~ 2024 the Agency shall by written statement
 20 set forth its reason(s) for the need to carry forward said funding to the
 21 Department of Finance and Administration Office of Budget;

22 (2) The Department of Finance and Administration Office of Budget shall
 23 report to the Arkansas Legislative Council all amounts carried forward by the
 24 September Arkansas Legislative Council or Joint Budget Committee meeting
 25 which report shall include the name of the Agency, Board, Commission or
 26 Institution and the amount of the funding carried forward, the program name
 27 or line item, the funding source of that appropriation and a copy of the
 28 written request set forth in (1) above;

29 (3) Each Agency, Board, Commission or Institution shall provide a
 30 written report to the Arkansas Legislative Council or Joint Budget Committee
 31 containing all information set forth in item (2) above, along with a written
 32 statement as to the current status of the project, contract, purpose etc. for
 33 which the carry forward was originally requested no later than thirty (30)
 34 days prior to the time the Agency, Board, Commission or Institution presents
 35 its budget request to the Arkansas Legislative Council/Joint Budget
 36 Committee; and

1 (4) Thereupon, the Department of Finance and Administration shall
2 include all information obtained in item (3) above in the budget manuals
3 and/or a statement of non-compliance by the Agency, Board, Commission or
4 Institution.

5 The provisions of this section shall be in effect only from July 1, ~~2022~~
6 2023 through June 30, ~~2023~~ 2024.

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8 SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
9 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
10 TRANSFER OF FUNDS - PROMOTIONAL ITEMS. The Chief Fiscal Officer of the State
11 shall establish upon request from the Arkansas Department of Education -
12 Arkansas State Library a special appropriation line item to be used in the
13 acquisition of promotional items. When the Department of Education -
14 Arkansas State Library wishes to transfer monies from its operating expenses
15 to promotional items, the request shall be forwarded to the Chief Fiscal
16 Officer of the State for processing after prior approval by the Arkansas
17 Legislative Council or Joint Budget Committee. Determining the maximum
18 number of employees and the maximum amount of appropriation and general
19 revenue funding for a state agency each fiscal year is the prerogative of the
20 General Assembly. This is usually accomplished by delineating such maximums
21 in the appropriation act(s) for a state agency and the general revenue
22 allocations authorized for each fund and fund account by amendment to the
23 Revenue Stabilization Law. Further, the General Assembly has determined that
24 the Department of Education - Arkansas State Library may operate more
25 efficiently if some flexibility is provided to the Department of Education -
26 Arkansas State Library authorizing broad powers under this Section.
27 Therefore, it is both necessary and appropriate that the General Assembly
28 maintain oversight by requiring prior approval of the Legislative Council or
29 Joint Budget Committee as provided by this Section. The requirement of
30 approval by the Legislative Council or Joint Budget Committee is not a
31 severable part of this Section. If the requirement of approval by the
32 Legislative Council or Joint Budget Committee is ruled unconstitutional by a
33 court of competent jurisdiction, this entire section is void.

34 The provisions of this section shall be in effect only from July 1, ~~2022~~
35 2023 through June 30, ~~2023~~ 2024.

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1 SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO ARKANSAS
2 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL, AND TEMPORARY LAW. STATE
3 FUNDING FOR LIBRARIES PROVISIONS.

4 (i) The Department of Education – Arkansas State Library provides
5 grants and aid to Libraries across the state. The Arkansas State Library
6 has developed the Standards for State Aid to public libraries which creates
7 standards public libraries must meet to be eligible for state aid.

8 (ii) The Standards for State Aid to Public Libraries contains the
9 requirement that a public library shall maintain a one-mill county or city
10 property tax, and the requirement that the library have a qualified
11 librarian.

12 (iii) Less populated areas in the State may not have the ability to
13 pass and maintain a one-mill county or city property tax.

14 (iv) Due to the importance that the public library represents to rural
15 communities, the Arkansas State Library shall review and modify the
16 requirements that prevent rural public libraries from receiving state grant
17 and aid that is authorized by the General Assembly, as set out in subsection
18 (v).

19 (v) Therefore, the Arkansas State Library shall promulgate rules that
20 allow a public library to adequately demonstrate a source of revenue in lieu
21 of the requirement to maintain a one-mill county or city property tax.

22 (vi) One month prior to the distribution of state aid to public
23 libraries for the 2025 Fiscal Year, the Arkansas State Library shall report
24 to the Arkansas Legislative Council or Joint Budget Committee, if meeting in
25 legislative session, the revised Standards for State Aid to Public Libraries
26 which shall address in writing the actions taken to address the issues as set
27 out in this section. The report shall include all criteria, including but
28 not limited to how a local public library may become certified to receive
29 funding from the Arkansas State Library.

30 (vii) The provisions of this section shall be in effect only from July
31 1, 2023 through June 30, 2024.

32
33 SECTION 12. COMPLIANCE WITH OTHER LAWS. Disbursement of funds
34 authorized by this act shall be limited to the appropriation for such agency
35 and funds made available by law for the support of such appropriations; and
36 the restrictions of the State Procurement Law, the General Accounting and

1 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
2 Procedures and Restrictions Act, or their successors, and other fiscal
3 control laws of this State, where applicable, and regulations promulgated by
4 the Department of Finance and Administration, as authorized by law, shall be
5 strictly complied with in disbursement of said funds.

6
7 SECTION 13. LEGISLATIVE INTENT. It is the intent of the General
8 Assembly that any funds disbursed under the authority of the appropriations
9 contained in this act shall be in compliance with the stated reasons for
10 which this act was adopted, as evidenced by the Agency Requests, Executive
11 Recommendations and Legislative Recommendations contained in the budget
12 manuals prepared by the Department of Finance and Administration, letters, or
13 summarized oral testimony in the official minutes of the Arkansas Legislative
14 Council or Joint Budget Committee which relate to its passage and adoption.

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16 SECTION 14. EMERGENCY CLAUSE. It is found and determined by the
17 General Assembly, that the Constitution of the State of Arkansas prohibits
18 the appropriation of funds for more than a one (1) year period; that the
19 effectiveness of this Act on July 1, 2023 is essential to the operation of
20 the agency for which the appropriations in this Act are provided, and that in
21 the event of an extension of the legislative session, the delay in the
22 effective date of this Act beyond July 1, 2023 could work irreparable harm
23 upon the proper administration and provision of essential governmental
24 programs. Therefore, an emergency is hereby declared to exist and this Act
25 being necessary for the immediate preservation of the public peace, health
26 and safety shall be in full force and effect from and after July 1, 2023.

27
28 */s/ Joint Budget Committee*
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