

State of Arkansas
94th General Assembly
Regular Session, 2023

A Bill

SENATE BILL 36

By: Joint Budget Committee

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 FISCAL YEAR
ENDING JUNE 30, 2024; AND FOR OTHER PURPOSES.

Subtitle

AN ACT FOR THE DEPARTMENT OF EDUCATION -
DIVISION OF PUBLIC SCHOOL ACADEMIC
FACILITIES AND TRANSPORTATION
APPROPRIATION FOR THE 2023-2024 FISCAL
YEAR.

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 2023-2024 fiscal year, the following
maximum number of regular employees.

			Maximum Annual
			Salary Rate
			Fiscal Year
			2023-2024
Item	Class	Maximum	
No.	Code Title	No. of	
		Employees	
(1)	N015N ADE DIR PUB SCHOOL FACIL & TRANS	1	GRADE SE01
(2)	N046N ADE ASST DIR ACADEMIC FACILITIES	1	GRADE GS14
(3)	G051C ADE ACADEMIC FACIL SR PROJECT ADMIN	2	GRADE GS10



1	(4) E016C PUBLIC SCHOOL PROGRAM COORDINATOR	1	GRADE GS10
2	(5) G090C ADE AREA PROJECT MANAGER	12	GRADE GS09
3	(6) G039C SENIOR TRANSPORTATION MANAGER	1	GRADE GS09
4	(7) C037C ADMINISTRATIVE ANALYST	1	GRADE GS06
5	(8) A074C FISCAL SUPPORT SUPERVISOR	1	GRADE GS06
6	(9) S028C SCHOOL BUS DRIVER TRAINER	3	GRADE GS05
7	(10) X116C SCHOOL BUS TRANS INSPECTOR	6	GRADE GS05
8	(11) C056C ADMINISTRATIVE SPECIALIST III	1	GRADE GS04
9	(12) C073C ADMINISTRATIVE SPECIALIST II	<u>1</u>	GRADE GS03
10	MAX. NO. OF EMPLOYEES	31	

11

12 SECTION 2. EXTRA HELP - OPERATIONS. There is hereby authorized, for
 13 the Department of Education - Division of Public School Academic Facilities
 14 and Transportation for the 2023-2024 fiscal year, the following maximum
 15 number of part-time or temporary employees, to be known as "Extra Help",
 16 payable from funds appropriated herein for such purposes: five (5) temporary
 17 or part-time employees, when needed, at rates of pay not to exceed those
 18 provided in the Uniform Classification and Compensation Act, or its
 19 successor, or this act for the appropriate classification.

20

21 SECTION 3. APPROPRIATION - OPERATIONS. There is hereby appropriated,
 22 to the Department of Education, to be payable from the Division of Public
 23 School Academic Facilities and Transportation Fund Account, for personal
 24 services and operating expenses of the Department of Education - Division of
 25 Public School Academic Facilities and Transportation - 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	\$1,744,141
31	(02) EXTRA HELP	2,500
32	(03) PERSONAL SERVICES MATCHING	613,039
33	(04) MAINT. & GEN. OPERATION	
34	(A) OPER. EXPENSE	319,311
35	(B) CONF. & TRAVEL	24,650
36	(C) PROF. FEES	0

1	(D) CAP. OUTLAY	0
2	(E) DATA PROC.	0
3	(05) SAFETY TRAINING	<u>207,500</u>
4	TOTAL AMOUNT APPROPRIATED	<u><u>\$2,911,141</u></u>

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6 SECTION 4. APPROPRIATION - PROGRAMS OF THE DIVISION OF PUBLIC SCHOOL

7 ACADEMIC FACILITIES AND TRANSPORTATION. There is hereby appropriated, to the

8 Department of Education, to be payable from the Educational Facilities

9 Partnership Fund Account, for grants and aid and special programs providing

10 academic school facility and transportation assistance to the public school

11 districts of the Department of Education - Division of Public School Academic

12 Facilities and Transportation for the fiscal year ending June 30, 2024, the

13 following:

15	ITEM	FISCAL YEAR
16	<u>NO.</u>	<u>2023-2024</u>
17	(01) ACADEMIC FACILITIES PARTNERSHIP	\$211,828,951
18	(02) ACADEMIC EQUIPMENT	0
19	(03) ACADEMIC FACILITIES CATASTROPHIC	3,511,538
20	(04) ACADEMIC FACILITIES EXTRAORDINARY	
21	CIRCUMSTANCES PROGRAM	0
22	(05) ACADEMIC FACILITIES HIGH GROWTH	<u>0</u>
23	TOTAL AMOUNT APPROPRIATED	<u><u>\$215,340,489</u></u>

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25 SECTION 5. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS

26 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER

27 AUTHORITY - OPEN-ENROLLMENT PUBLIC CHARTER SCHOOL FACILITIES LOAN PROGRAM.

28 The Department of Education - Division of Public School Academic Facilities

29 and Transportation is authorized to transfer any funds that are made

30 available for the Open-Enrollment Public Charter School Facilities Loan

31 Program, including funds from the Development and Enhancement Fund or its

32 successor fund or fund accounts, to the Open-Enrollment Public Charter School

33 Facilities Loan Fund.

34 The provisions of this section shall be in effect only from July 1, ~~2022~~

35 2023 through June 30 ~~2023~~ 2024.

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

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

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

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

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20 SECTION 9. EMERGENCY CLAUSE. It is found and determined by the General
21 Assembly, that the Constitution of the State of Arkansas prohibits the
22 appropriation of funds for more than a one (1) year period; that the
23 effectiveness of this Act on July 1, 2023 is essential to the operation of
24 the agency for which the appropriations in this Act are provided, and that in
25 the event of an extension of the legislative session, the delay in the
26 effective date of this Act beyond July 1, 2023 could work irreparable harm
27 upon the proper administration and provision of essential governmental
28 programs. Therefore, an emergency is hereby declared to exist and this Act
29 being necessary for the immediate preservation of the public peace, health
30 and safety shall be in full force and effect from and after July 1, 2023.