

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 86th General Assembly
3 Regular Session, 2007
4

As Engrossed: S3/21/07
A Bill

SENATE BILL 226

5 By: Joint Budget Committee
6
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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 BIENNIAL PERIOD ENDING JUNE 30, 2009; AND FOR
14 OTHER PURPOSES.

Subtitle

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17 AN ACT FOR THE DEPARTMENT OF EDUCATION
18 - DIVISION OF PUBLIC SCHOOL ACADEMIC
19 FACILITIES AND TRANSPORTATION
20 APPROPRIATION FOR THE 2007-2009
21 BIENNIUM.
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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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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 2007-2009 biennium, the following maximum number
30 of regular employees whose salaries shall be governed by the provisions of
31 the Uniform Classification and Compensation Act (Arkansas Code §§21-5-201 et
32 seq.), or its successor, and all laws amendatory thereto. Provided, however,
33 that any position to which a specific maximum annual salary is set out herein
34 in dollars, shall be exempt from the provisions of said Uniform
35 Classification and Compensation Act. All persons occupying positions
36 authorized herein are hereby governed by the provisions of the Regular



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

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			Maximum Annual		
			Maximum	Salary Rate	
Item	Class		No. of	Fiscal Years	
No.	Code	Title	Employees	2007-2008	2008-2009
8	(1) 9481	DIRECTOR, DIV. OF PUB. SCH. ACAD.FA	1	\$112,491	\$114,740
9	(2) 9287	ED ASST DIR ACADEMIC FACILITIES	1	\$92,542	\$94,392
10	(3) 930Z	SENIOR TRANSPORTATION MANAGER	1	GRADE 26	
11	(4) R500	SENIOR PROJECT ADMINISTRATOR	2	GRADE 25	
12	(5) R501	AREA PROJECT MANAGER	11	GRADE 23	
13	(6) N330	LICENSED ARCHITECT	1	GRADE 23	
14	(7) A032	AGENCY FISCAL MANAGER	1	GRADE 22	
15	(8) E140	SCHOOL BUS DRIVER TRAINER	5	GRADE 20	
16	(9) Q005	SCHOOL BUS TRANS. INSPECTOR	5	GRADE 18	
17	(10) R010	ADMINISTRATIVE ASSISTANT II	2	GRADE 17	
18	(11) A108	ACCOUNTING TECHNICIAN II	1	GRADE 15	
19	(12) K153	SECRETARY II	<u>2</u>	GRADE 13	
20	MAX. NO. OF EMPLOYEES		33		

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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 2007-2009 biennium, 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.

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 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 biennial period ending June

1 30, 2009, the following:

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3 ITEM	FISCAL YEARS	
4 NO.	2007-2008	2008-2009
5 (01) REGULAR SALARIES	\$ 1,375,294	\$ 1,402,785
6 (02) EXTRA HELP	2,500	2,500
7 (03) PERSONAL SERVICES MATCHING	436,598	442,731
8 (04) MAINT. & GEN. OPERATION		
9 (A) OPER. EXPENSE	295,054	295,054
10 (B) CONF. & TRAVEL	28,650	28,650
11 (C) PROF. FEES	20,973	20,973
12 (D) CAP. OUTLAY	0	0
13 (E) DATA PROC.	2,500	2,500
14 (05) SAFETY TRAINING	<u>250,000</u>	<u>250,000</u>
15 TOTAL AMOUNT APPROPRIATED	<u>\$ 2,411,569</u>	<u>\$ 2,445,193</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 of the Department of Education - Division of Public School Academic
 24 Facilities and Transportation for the biennial period ending June 30, 2009,
 25 the following:

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27 ITEM	FISCAL YEARS	
28 NO.	2007-2008	2008-2009
29 (01) ACADEMIC FACILITIES CATASTROPHIC	\$ 10,000,000	\$ 0
30 (02) ACADEMIC FACILITIES EXTRAORDINARY		
31 CIRCUMSTANCES PROGRAM	0	0
32 (03) ACADEMIC FACILITIES PARTNERSHIP	455,541,535	75,000,000
33 (04) ACADEMIC EQUIPMENT	15,000,000	0
34 (05) IMMEDIATE REPAIR	20,176,206	0
35 (06) TRANSITIONAL ACADEMIC FACILITIES	<u>30,611,831</u>	<u>0</u>
36 TOTAL AMOUNT APPROPRIATED	<u>\$ 531,329,572</u>	<u>\$ 75,000,000</u>

1
2 SECTION 5. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
3 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
4 AUTHORITY. The Director of the Department of Education – Division of Public
5 School Academic Facilities and Transportation, with the approval of the Chief
6 Fiscal Officer of the State and after approval by the Arkansas Legislative
7 Council or Joint Budget Committee, is hereby authorized to request necessary
8 appropriation transfers and any other budget related adjustments necessary
9 for the appropriations authorized herein. Furthermore, it is the intent of
10 the General Assembly that the Department of Education - Division of Public
11 School Academic Facilities and Transportation be able to make use of
12 additional contractual services as necessary and that transfers between line
13 items and among appropriations are anticipated to accomplish those purposes.

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

32 The provisions of this section shall be in effect only from July 1, 2005
33 2007 through June 30, ~~2007~~ 2009.

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35 SECTION 6. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
36 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY

1 FORWARD. The balance of the appropriations as provided in Section 4 of this
2 Act for grants and aid and special programs providing academic school
3 facility and transportation assistance to the public school district for
4 Programs of the Division of Public School Academic Facilities and
5 Transportation which remain on June 30, ~~2006~~ 2008, shall be carried forward
6 and made available for the same purpose for the fiscal year ending June 30,
7 ~~2007~~ 2009.

8 Any carry forward of unexpended balance of appropriation and/or funding as
9 authorized herein, may be carried forward under the following conditions:

10 (1) Prior to June 30, 2008 the Agency shall by written statement set
11 forth its reason(s) for the need to carry forward said appropriation and/or
12 funding to the Department of Finance and Administration Office of Budget;

13 (2) The Department of Finance and Administration Office of Budget shall
14 report to the Arkansas Legislative Council all amounts carried forward from
15 the first fiscal year of the biennium to the second fiscal year of the
16 biennium by the September Arkansas Legislative Council or Joint Budget
17 Committee meeting in the second fiscal year of the biennial period which
18 report shall include the name of the Agency, Board, Commission or Institution
19 and the amount of the appropriation and/or funding carried forward from the
20 first fiscal year to the second fiscal year, the program name or line item,
21 the funding source of that appropriation and a copy of the written request
22 set forth in (1) above;

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

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

35 The provisions of this section shall be in effect only from July 1, ~~2005~~
36 2007 through June 30, ~~2007~~ 2009.

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

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

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21 SECTION 9. EMERGENCY CLAUSE. It is found and determined by the General
22 Assembly, that the Constitution of the State of Arkansas prohibits the
23 appropriation of funds for more than a two (2) year period; that the
24 effectiveness of this Act on July 1, 2007 is essential to the operation of
25 the agency for which the appropriations in this Act are provided, and that in
26 the event of an extension of the Regular Session, the delay in the effective
27 date of this Act beyond July 1, 2007 could work irreparable harm upon the
28 proper administration and provision of essential governmental programs.
29 Therefore, an emergency is hereby declared to exist and this Act being
30 necessary for the immediate preservation of the public peace, health and
31 safety shall be in full force and effect from and after July 1, 2007.

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33 */s/ Joint Budget Committee*
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