

1 State of Arkansas  
2 92nd General Assembly  
3 Regular Session, 2019  
4

# A Bill

SENATE BILL 137

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 - DIVISION OF PUBLIC SCHOOL ACADEMIC  
11 FACILITIES AND TRANSPORTATION FOR THE FISCAL YEAR  
12 ENDING JUNE 30, 2020; AND FOR OTHER PURPOSES.  
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14

## Subtitle

15 AN ACT FOR THE DEPARTMENT OF EDUCATION -  
16 DIVISION OF PUBLIC SCHOOL ACADEMIC  
17 FACILITIES AND TRANSPORTATION  
18 APPROPRIATION FOR THE 2019-2020 FISCAL  
19 YEAR.  
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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25 SECTION 1. REGULAR SALARIES - OPERATIONS. There is hereby established  
26 for the Department of Education - Division of Public School Academic  
27 Facilities and Transportation for the 2019-2020 fiscal year, the following  
28 maximum number of regular employees.  
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Item	Class		Maximum	Maximum Annual
No.	Code	Title	No. of	Salary Rate
			Employees	Fiscal Year
				2019-2020
34	(1)	N015N ADE DIR PUBLIC SCHOOL FAC & TRANS	1	GRADE SE01
35	(2)	N046N ADE ASST DIR ACADEMIC FACILITIES	1	GRADE GS14
36	(3)	G051C ADE ACADEMIC FAC SR PROJ 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	

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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 2019-2020 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.

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21 SECTION 3. APPROPRIATION - OPERATIONS. There is hereby appropriated,  
 22 to the Department of Education - Division of Public School Academic  
 23 Facilities and Transportation, to be payable from the Division of Public  
 24 School Academic Facilities and Transportation Fund Account, for personal  
 25 services and operating expenses of the Department of Education - Division of  
 26 Public School Academic Facilities and Transportation - Operations for the  
 27 fiscal year ending June 30, 2020, the following:

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29	ITEM	FISCAL YEAR
30	<u>NO.</u>	<u>2019-2020</u>
31	(01) REGULAR SALARIES	\$1,572,109
32	(02) EXTRA HELP	2,500
33	(03) PERSONAL SERVICES MATCHING	501,668
34	(04) MAINT. & GEN. OPERATION	
35	(A) OPER. EXPENSE	314,311
36	(B) CONF. & TRAVEL	19,650

1	(C) PROF. FEES	0
2	(D) CAP. OUTLAY	0
3	(E) DATA PROC.	0
4	(05) SAFETY TRAINING	<u>207,500</u>
5	TOTAL AMOUNT APPROPRIATED	<u><u>\$2,617,738</u></u>

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7 SECTION 4. APPROPRIATION - PROGRAMS OF THE DIVISION OF PUBLIC SCHOOL  
 8 ACADEMIC FACILITIES AND TRANSPORTATION. There is hereby appropriated, to the  
 9 Department of Education - Division of Public School Academic Facilities and  
 10 Transportation, to be payable from the Educational Facilities Partnership  
 11 Fund Account, for grants and aid and special programs providing academic  
 12 school facility and transportation assistance to the public school districts  
 13 of the Department of Education - Division of Public School Academic  
 14 Facilities and Transportation - Programs of the Division of Public School  
 15 Academic Facilities and Transportation for the fiscal year ending June 30,  
 16 2020, the following:

18	ITEM	FISCAL YEAR
19	<u>NO.</u>	<u>2019-2020</u>
20	(01) ACADEMIC FACILITIES PARTNERSHIP	\$211,828,951
21	(02) ACADEMIC EQUIPMENT	0
22	(03) ACADEMIC FACILITIES CATASTROPHIC	3,511,538
23	(04) ACADEMIC FACILITIES EXTRAORDINARY	
24	CIRCUMSTANCES PROGRAM	0
25	(05) ACADEMIC FACILITIES HIGH GROWTH	<u>0</u>
26	TOTAL AMOUNT APPROPRIATED	<u><u>\$215,340,489</u></u>

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28 SECTION 5. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
 29 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER  
 30 AUTHORITY - OPEN-ENROLLMENT PUBLIC CHARTER SCHOOL FACILITIES LOAN PROGRAM.  
 31 The Department of Education - Division of Public School Academic Facilities  
 32 and Transportation is authorized to transfer any funds that are made  
 33 available for the Open-Enrollment Public Charter School Facilities Loan  
 34 Program, including funds from the General Improvement Fund or its successor  
 35 fund or fund accounts, to the Open-Enrollment Public Charter School  
 36 Facilities Loan Fund.

1 The provisions of this section shall be in effect only from July 1, 2018  
2 2019 through June 30, ~~2019~~ 2020.

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

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

1 The provisions of this section shall be in effect only from July 1, 2018  
 2 2019 through June 30, ~~2019~~ 2020.

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

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

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 23 SECTION 9. EMERGENCY CLAUSE. It is found and determined by the General  
 24 Assembly, that the Constitution of the State of Arkansas prohibits the  
 25 appropriation of funds for more than a one (1) year period; that the  
 26 effectiveness of this Act on July 1, 2019 is essential to the operation of  
 27 the agency for which the appropriations in this Act are provided, and that in  
 28 the event of an extension of the legislative session, the delay in the  
 29 effective date of this Act beyond July 1, 2019 could work irreparable harm  
 30 upon the proper administration and provision of essential governmental  
 31 programs. Therefore, an emergency is hereby declared to exist and this Act  
 32 being necessary for the immediate preservation of the public peace, health  
 33 and safety shall be in full force and effect from and after July 1, 2019.

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 35 **APPROVED: 2/14/19**