

1 State of Arkansas  
2 93rd General Assembly  
3 Regular Session, 2021  
4

# A Bill

SENATE BILL 43

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, 2022; 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 2021-2022 FISCAL  
19 YEAR.  
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
24

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 2021-2022 fiscal year, the following  
28 maximum number of regular employees.  
29

Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 2021-2022
34	(1)	N015N ADE DIR PUB SCHOOL FACIL & TRANS	1	GRADE SE01
35	(2)	N046N ADE ASST DIR ACADEMIC FACILITIES	1	GRADE GS14
36	(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	

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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 2021-2022 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, 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, 2022, the following:

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28	ITEM	FISCAL YEAR
29	<u>NO.</u>	<u>2021-2022</u>
30	(01) REGULAR SALARIES	\$1,608,478
31	(02) EXTRA HELP	2,500
32	(03) PERSONAL SERVICES MATCHING	533,045
33	(04) MAINT. & GEN. OPERATION	
34	(A) OPER. EXPENSE	314,311
35	(B) CONF. & TRAVEL	19,650
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>\$2,685,484</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, 2022, the

13 following:

15	ITEM	FISCAL YEAR
16	<u>NO.</u>	<u>2021-2022</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 General Improvement Fund or its successor

32 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, ~~2020~~

35 2021 through June 30, ~~2021~~ 2022.

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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 purposes.  
13 Provided, however, that the Department of Education - Division of Public  
14 School Academic Facilities and Transportation shall be limited to submitting  
15 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, ~~2020~~  
35 2021 through June 30, ~~2021~~ 2022.

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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.

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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, 2021 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, 2021 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, 2021.

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33 **APPROVED: 2/10/21**  
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