

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
89th General Assembly
Regular Session, 2013

As Engrossed: S3/4/13
A Bill

SENATE BILL 104

By: Senator Burnett

For An Act To Be Entitled

AN ACT TO MAKE AN APPROPRIATION TO THE DEPARTMENT OF
EDUCATION - DIVISION OF PUBLIC SCHOOL ACADEMIC
FACILITIES AND TRANSPORTATION FOR THE OPEN ENROLLMENT
PUBLIC CHARTER SCHOOL CAPITAL GRANT PROGRAM; AND FOR
OTHER PURPOSES.

Subtitle

AN ACT FOR THE DEPARTMENT OF EDUCATION -
DIVISION OF PUBLIC SCHOOL ACADEMIC
FACILITIES AND TRANSPORTATION - OPEN
ENROLLMENT PUBLIC CHARTER SCHOOL CAPITAL
GRANT PROGRAM GENERAL IMPROVEMENT
APPROPRIATION.

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

SECTION 1. APPROPRIATION - OPEN ENROLLMENT PUBLIC CHARTER SCHOOL
CAPITAL GRANT PROGRAM. There is hereby appropriated, to the Department of
Education - Division of Public School Academic Facilities and Transportation,
to be payable from the General Improvement Fund or its successor fund or fund
accounts, the following:

(A) for a transfer to the Open Enrollment Public Charter School Capital
Grant Program Fund to be used for grants for the repayment of debt incurred
by an open enrollment public charter school for academic facilities or
equipment, various maintenance, renovation, equipping, new construction,
acquisition, improvement, upgrade and repair of real property and facilities
and purchase of instructional materials, technology systems, and other



academic equipment, in a sum not to exceed.....\$1,000,000.

SECTION 2. APPROPRIATION - OPEN ENROLLMENT PUBLIC CHARTER SCHOOL CAPITAL GRANT PROGRAM. There is hereby appropriated, to the Department of Education - Division of Public School Academic Facilities and Transportation, to be payable from the Open Enrollment Public Charter School Capital Grant Program Fund, for grants for the repayment of debt incurred by an open enrollment public charter school for academic facilities or equipment, various maintenance, renovation, equipping, new construction, acquisition, improvement, upgrade and repair of real property and facilities and purchase of instructional materials, technology systems, and other academic equipment by the Department of Education - Division of Public School Academic Facilities and Transportation for the fiscal year ending June 30, 2014, the sum of.....\$1,000,000.

SECTION 3. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. GRANT ELIGIBILITY CRITERIA. An open enrollment public charter school is eligible to apply for and receive a grant under this act if the open enrollment public charter school:

- (1) Has been in existence for five (5) or more years before applying for the grant;
- (2) Has a student population of which sixty percent (60%) or more are students who are national school lunch students;
- (3) Provides transportation for its students to and from school; and
- (4) Has a record of academic success defined by the rules implementing the Open Enrollment Public Charter School Capital Grant Program.

The provisions of this section shall be in effect only from July 1, 2013 through June 30, 2014.

SECTION 4. DISBURSEMENT CONTROLS. (A) No contract may be awarded nor obligations otherwise incurred in relation to the project or projects described herein in excess of the State Treasury funds actually available therefor as provided by law. Provided, however, that institutions and agencies listed herein shall have the authority to accept and use grants and donations including Federal funds, and to use its unobligated cash income or

funds, or both available to it, for the purpose of supplementing the State Treasury funds for financing the entire costs of the project or projects enumerated herein. Provided further, that the appropriations and funds otherwise provided by the General Assembly for Maintenance and General Operations of the agency or institutions receiving appropriation herein shall not be used for any of the purposes as appropriated in this act.

(B) The restrictions of any applicable provisions of the State Purchasing Law, the General Accounting and Budgetary Procedures Law, the Revenue Stabilization Law and any other applicable fiscal control laws of this State and regulations promulgated by the Department of Finance and Administration, as authorized by law, shall be strictly complied with in disbursement of any funds provided by this act unless specifically provided otherwise by law.

SECTION 5. LEGISLATIVE INTENT. It is the intent of the General Assembly that any funds disbursed under the authority of the appropriations contained in this act shall be in compliance with the stated reasons for which this act was adopted, as evidenced by the Agency Requests, Executive Recommendations and Legislative Recommendations contained in the budget manuals prepared by the Department of Finance and Administration, letters, or summarized oral testimony in the official minutes of the Arkansas Legislative Council or Joint Budget Committee which relate to its passage and adoption.

SECTION 6. EMERGENCY CLAUSE. It is found and determined by the General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a one (1) year period; that the effectiveness of this Act on July 1, 2013 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the legislative session, the delay in the effective date of this Act beyond July 1, 2013 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 2013.

/s/Burnett