

Stricken language will be deleted and underlined language will be added.

State of Arkansas
93rd General Assembly
Third Extraordinary Session, 2022

A Bill

Call Item 2
SENATE BILL 2

By: Senators Irvin, Hickey, J. English, Bledsoe, Flippo, K. Hammer, J. Hendren, Hill, B. Johnson, D. Sullivan

By: Representatives Cozart, Evans, Shepherd, Barker, Beaty Jr., M. Berry, Bragg, Breaux, Brooks, Brown, Cavanaugh, Christiansen, Cloud, Coleman, C. Cooper, Crawford, Dalby, Eaves, Eubanks, D. Ferguson, C. Fite, L. Fite, M. Gray, Haak, Hollowell, Jean, Jett, L. Johnson, Ladyman, Lundstrum, Lynch, Maddox, J. Mayberry, McClure, McGrew, McNair, Milligan, Perry, Pilkington, Ray, Richmond, Rye, Scott, Slape, B. Smith, S. Smith, Speaks, Tosh, Vaught, Wardlaw, Warren, Watson, Wing, Wooten

For An Act To Be Entitled

AN ACT TO MAKE AN APPROPRIATION FOR SCHOOL SAFETY GRANTS FOR THE DEPARTMENT OF EDUCATION, AND TO TRANSFER SURPLUS FUNDS TO CREATE A HOLDING ACCOUNT FOR THE SCHOOL SAFETY SET-ASIDE OR CONTINGENCY VOTE 3/5 SET-ASIDE FOR THE FISCAL YEAR ENDING JUNE 30, 2023; AND FOR OTHER PURPOSES.

Subtitle

AN ACT FOR THE DEPARTMENT OF EDUCATION - SCHOOL SAFETY GRANTS APPROPRIATION AND SCHOOL SAFETY SET-ASIDE OR CONTINGENCY VOTE 3/5 SET-ASIDE FOR THE 2022-2023 FISCAL YEAR.

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

SECTION 1. APPROPRIATION - SCHOOL SAFETY GRANTS. There is hereby appropriated, to the Department of Education, to be payable from the Division of Elementary and Secondary Education Fund Account, for School Safety grants by the Department of Education - School Safety grants for the fiscal year ending June 30, 2023, the following:



ITEM	FISCAL YEAR
NO.	2022-2023
(01) SCHOOL SAFETY GRANTS	<u>\$50,000,000</u>

SECTION 2. DO NOT CODIFY. TEMPORARY LANGUAGE. (a) Immediately upon the effective date of this act, a new sub-fund within the Restricted Reserve Fund shall be established as the “School Safety Set-Aside or Contingency Vote 3/5 Set-Aside”.

(b) (1) The Department of Education shall not begin the process of promulgating rules for the distribution of funds in the School Safety Set-Aside or Contingency Vote 3/5 Set-Aside until authorized by Legislative Council.

(2) The department shall not disburse any funds in the School Safety Set-Aside or Contingency Vote 3/5 Set-Aside until the rules have been approved by Legislative Council.

(c) Notwithstanding other provisions of law, the Chief Fiscal Officer of the State may from time to time transfer on his or her books and those of the Treasurer of State and the Auditor of State funds from the Restricted Reserve Fund School Safety Set-Aside or Contingency Vote 3/5 Set-Aside after receiving prior approval of the greater of three-fifths (3/5) of the quorum present or a majority of the membership of the Legislative Council or, if the General Assembly is in session, the Joint Budget Committee, for the Department of Education to distribute funds for the School Safety Grant program, as approved in this section as set out in subsection (b) herein, or for the distribution of funds from this set-aside for unanticipated state needs.

(d)(1) The General Assembly finds:

(A) Determining the maximum amount of appropriation and funding for a state agency or institution each fiscal year is the prerogative of the General Assembly;

(B) Determining the maximum amount of appropriation and funding for a state agency or institution is usually accomplished by delineating the maximum amounts in the appropriation acts for the state agency or institution and in the general revenue allocations authorized for each relevant fund and fund account by amendment to the Revenue Stabilization Law, § 19-5-101 et

seq.; and

(C) The Restricted Reserve Fund has established procedures for the transfer of funds to various funds and fund accounts for the efficient and effective operation of state government.

(2)(A) It is necessary and appropriate that the General Assembly maintain oversight by requiring prior approval of the Legislative Council or, if the General Assembly is in session, the Joint Budget Committee, as provided in § 19-5-1263(c).

(B) The requirement of approval by the Legislative Council or, if the General Assembly is in session, the Joint Budget Committee, is not a severable part of § 19-5-1263.

(C) If the requirement of approval by the Legislative Council or, if the General Assembly is in session, the Joint Budget Committee, is ruled unconstitutional by a court of competent jurisdiction, § 19-5-1263(c)-(e) are void in their entirety.

SECTION 3. DO NOT CODIFY. TEMPORARY LANGUAGE. FUNDING TRANSFER.
Immediately upon the effective date of this act the Chief Fiscal Officer of the State shall transfer on his or her books and those of the State Treasurer and the Auditor of State, a sum of fifty million dollars (\$50,000,000) from the General Revenue Allotment Reserve Fund to the School Safety Set-Aside or Contingency Vote 3/5 Set-Aside sub-fund in the Restricted Reserve Fund.

The provisions of this section shall be in effect only from July 1, 2022 through June 30, 2023.

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

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 of the State of Arkansas that the safety of students, teachers and the general public in Arkansas schools or other unanticipated state needs is of the utmost importance; that funds designated to improve and enhance school safety or other unanticipated state needs be made available; and that this act is immediately necessary to provide a funding mechanism to immediately address safety in Arkansas schools or other unanticipated state needs. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

- (1) The date of its approval by the Governor;
- (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or
- (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.