

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

State of Arkansas  
94th General Assembly  
Regular Session, 2023

As Engrossed: H3/7/23

# A Bill

HOUSE BILL 1093

By: Joint Budget Committee

## For An Act To Be Entitled

AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES  
AND OPERATING EXPENSES FOR THE DEPARTMENT OF  
EDUCATION - ARKANSAS STATE LIBRARY FOR THE FISCAL  
YEAR ENDING JUNE 30, 2024; AND FOR OTHER PURPOSES.

### Subtitle

AN ACT FOR THE DEPARTMENT OF EDUCATION -  
ARKANSAS STATE LIBRARY APPROPRIATION FOR  
THE 2023-2024 FISCAL YEAR.

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

SECTION 1. REGULAR SALARIES. There is hereby established for the  
Department of Education - Arkansas State Library for the 2023-2024 fiscal  
year, the following maximum number of regular employees.

Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 2023-2024
(1)	U031U	STATE LIBRARY DIRECTOR	1	GRADE SE01
(2)	N161N	STATE LIBRARY DEPUTY DIRECTOR	1	GRADE GS12
(3)	E012C	STATE LIBRARY DIVISION MANAGER	1	GRADE GS10
(4)	E021C	STATE LIBRARY MANAGER	9	GRADE GS09
(5)	E030C	LIBRARY COORDINATOR	5	GRADE GS08
(6)	E041C	SENIOR LIBRARIAN	7	GRADE GS07
(7)	A074C	FISCAL SUPPORT SUPERVISOR	1	GRADE GS06



(8) E052C LIBRARIAN	3	GRADE GS06
(9) P027C PUBLIC INFORMATION SPECIALIST	1	GRADE GS06
(10) V014C BUYER	1	GRADE GS05
(11) C056C ADMINISTRATIVE SPECIALIST III	2	GRADE GS04
(12) A098C FISCAL SUPPORT SPECIALIST	2	GRADE GS04
(13) C073C ADMINISTRATIVE SPECIALIST II	2	GRADE GS03
(14) C069C LIBRARY TECHNICIAN	5	GRADE GS03
(15) C085C LIBRARY SUPPORT ASSISTANT	5	GRADE GS02
(16) C088C MAIL SERVICES ASSISTANT	1	GRADE GS02
(17) C089C LIBRARY TECHNICAL ASSISTANT	<u>2</u>	GRADE GS01
MAX. NO. OF EMPLOYEES	49	

SECTION 2. EXTRA HELP - STATE OPERATIONS. There is hereby authorized, for the Department of Education - Arkansas State Library - State Operations for the 2023-2024 fiscal year, the following maximum number of part-time or temporary employees, to be known as "Extra Help", payable from funds appropriated herein for such purposes: seven (7) temporary or part-time employees, when needed, at rates of pay not to exceed those provided in the Uniform Classification and Compensation Act, or its successor, or this act for the appropriate classification.

SECTION 3. APPROPRIATION - STATE OPERATIONS. There is hereby appropriated, to the Department of Education, to be payable from the State Library Fund Account, for personal services and operating expenses of the Department of Education - Arkansas State Library - State Operations for the fiscal year ending June 30, 2024, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2023-2024</u>
(01) REGULAR SALARIES	\$1,749,087
(02) EXTRA HELP	10,000
(03) PERSONAL SERVICES MATCHING	644,998
(04) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	1,125,091
(B) CONF. & TRAVEL	10,000
(C) PROF. FEES	0

(D) CAP. OUTLAY	0
(E) DATA PROC.	0
(05) PROMOTIONAL ITEMS	0
(06) BOOKS & SUBSCRIPTIONS	<u>230,000</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$3,769,176</u></u>

SECTION 4. EXTRA HELP - FEDERAL OPERATIONS. There is hereby authorized, for the Department of Education - Arkansas State Library - Federal Operations for the 2023-2024 fiscal year, the following maximum number of part-time or temporary employees, to be known as "Extra Help", payable from funds appropriated herein for such purposes: five (5) temporary or part-time employees, when needed, at rates of pay not to exceed those provided in the Uniform Classification and Compensation Act, or its successor, or this act for the appropriate classification.

SECTION 5. APPROPRIATION - FEDERAL OPERATIONS. There is hereby appropriated, to the Department of Education, to be payable from the federal funds as designated by the Chief Fiscal Officer of the State, for personal services and operating expenses of the Department of Education - Arkansas State Library - Federal Operations for the fiscal year ending June 30, 2024, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2023-2024</u>
(01) REGULAR SALARIES	\$502,646
(02) EXTRA HELP	22,000
(03) PERSONAL SERVICES MATCHING	214,844
(04) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	2,357,700
(B) CONF. & TRAVEL	145,000
(C) PROF. FEES	0
(D) CAP. OUTLAY	40,000
(E) DATA PROC.	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$3,282,190</u></u>

SECTION 6. APPROPRIATION - AID TO PUBLIC LIBRARIES. There is hereby

appropriated, to the Department of Education, to be payable from the State Library Public School Fund Account, to provide aid to public libraries by the Department of Education - Arkansas State Library - Aid to Public Libraries for the fiscal year ending June 30, 2024, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2023-2024</u>
(01) AID TO PUBLIC LIBRARIES	<u>\$10,000,000</u>

SECTION 7. APPROPRIATION - GRANTS ADMINISTRATION - CASH. There is hereby appropriated, to the Department of Education, to be payable from the cash fund deposited in the State Treasury as determined by the Chief Fiscal Officer of the State, for operating expenses, grants to libraries, and promotional items by the Department of Education - Arkansas State Library - Grants Administration - Cash for the fiscal year ending June 30, 2024, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2023-2024</u>
(01) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	\$223,000
(B) CONF. & TRAVEL	150,000
(C) PROF. FEES	0
(D) CAP. OUTLAY	0
(E) DATA PROC.	0
(02) GRANTS TO LIBRARIES	0
(03) PROMOTIONAL ITEMS	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u>\$373,000</u>

SECTION 8. APPROPRIATION - STATE LIBRARY REVOLVING. There is hereby appropriated, to the Department of Education, to be payable from the State Library Revolving Fund, for operating expenses of the Department of Education - Arkansas State Library - State Library Revolving for the fiscal year ending June 30, 2024, the following:

ITEM	FISCAL YEAR
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NO.	2023-2024
(01) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	\$6,622
(B) CONF. & TRAVEL	0
(C) PROF. FEES	0
(D) CAP. OUTLAY	0
(E) DATA PROC.	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$6,622</u></u>

SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

CARRY FORWARD. At the close of the fiscal year ending June 30, ~~2022~~ 2023, any unexpended balance of monies provided from the State Library Fund Account for Books and Subscriptions, as provided in the State Operations Appropriation of this Act, shall be transferred forward and made available for the same purpose for the fiscal year ending June 30, ~~2023~~ 2024.

Any carry forward of unexpended balance of funding as authorized herein, may be carried forward under the following conditions:

(1) Prior to June 30, ~~2023~~ 2024 the Agency shall by written statement set forth its reason(s) for the need to carry forward said funding to the Department of Finance and Administration Office of Budget;

(2) The Department of Finance and Administration Office of Budget shall report to the Arkansas Legislative Council all amounts carried forward by the September Arkansas Legislative Council or Joint Budget Committee meeting which report shall include the name of the Agency, Board, Commission or Institution and the amount of the funding carried forward, the program name or line item, the funding source of that appropriation and a copy of the written request set forth in (1) above;

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

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

The provisions of this section shall be in effect only from July 1, ~~2022~~ 2023 through June 30, ~~2023~~ 2024.

SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

TRANSFER OF FUNDS - PROMOTIONAL ITEMS. The Chief Fiscal Officer of the State shall establish upon request from the Arkansas Department of Education - Arkansas State Library a special appropriation line item to be used in the acquisition of promotional items. When the Department of Education - Arkansas State Library wishes to transfer monies from its operating expenses to promotional items, the request shall be forwarded to the Chief Fiscal Officer of the State for processing after prior approval by the Arkansas Legislative Council or Joint Budget Committee. Determining the maximum number of employees and the maximum amount of appropriation and general revenue funding for a state agency each fiscal year is the prerogative of the General Assembly. This is usually accomplished by delineating such maximums in the appropriation act(s) for a state agency and the general revenue allocations authorized for each fund and fund account by amendment to the Revenue Stabilization Law. Further, the General Assembly has determined that the Department of Education - Arkansas State Library may operate more efficiently if some flexibility is provided to the Department of Education - Arkansas State Library authorizing broad powers under this Section. Therefore, it is both necessary and appropriate that the General Assembly maintain oversight by requiring prior approval of the Legislative Council or Joint Budget Committee as provided by this Section. The requirement of approval by the Legislative Council or Joint Budget Committee is not a severable part of this Section. If the requirement of approval by the Legislative Council or Joint Budget Committee is ruled unconstitutional by a court of competent jurisdiction, this entire section is void.

The provisions of this section shall be in effect only from July 1, ~~2022~~ 2023 through June 30, ~~2023~~ 2024.

SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL, AND TEMPORARY LAW. STATE FUNDING FOR LIBRARIES PROVISIONS.

(i) The Department of Education – Arkansas State Library provides grants and aid to Libraries across the state. The Arkansas State Library has developed the Standards for State Aid to public libraries which creates standards public libraries must meet to be eligible for state aid.

(ii) The Standards for State Aid to Public Libraries contains the requirement that a public library shall maintain a one-mill county or city property tax, and the requirement that the library have a qualified librarian.

(iii) Less populated areas in the State may not have the ability to pass and maintain a one-mill county or city property tax.

(iv) Due to the importance that the public library represents to rural communities, the Arkansas State Library shall review and modify the requirements that prevent rural public libraries from receiving state grant and aid that is authorized by the General Assembly, as set out in subsection (v).

(v) Therefore, the Arkansas State Library shall promulgate rules that allow a public library to adequately demonstrate a source of revenue in lieu of the requirement to maintain a one-mill county or city property tax.

(vi) One month prior to the distribution of state aid to public libraries for the 2025 Fiscal Year, the Arkansas State Library shall report to the Arkansas Legislative Council or Joint Budget Committee, if meeting in legislative session, the revised Standards for State Aid to Public Libraries which shall address in writing the actions taken to address the issues as set out in this section. The report shall include all criteria, including but not limited to how a local public library may become certified to receive funding from the Arkansas State Library.

(vii) The provisions of this section shall be in effect only from July 1, 2023 through June 30, 2024.

SECTION 12. 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 13. 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 14. 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, 2023 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, 2023 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, 2023.

*/s/Joint Budget Committee*