

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

State of Arkansas  
94th General Assembly  
Regular Session, 2023

As Engrossed: S4/3/23

# A Bill

SENATE BILL 36

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 - DIVISION OF PUBLIC SCHOOL ACADEMIC FACILITIES AND TRANSPORTATION FOR THE FISCAL YEAR ENDING JUNE 30, 2024; AND FOR OTHER PURPOSES.

### Subtitle

AN ACT FOR THE DEPARTMENT OF EDUCATION - DIVISION OF PUBLIC SCHOOL ACADEMIC FACILITIES AND TRANSPORTATION APPROPRIATION FOR THE 2023-2024 FISCAL YEAR.

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

SECTION 1. REGULAR SALARIES - OPERATIONS. There is hereby established for the Department of Education - Division of Public School Academic Facilities and Transportation 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)	N015N ADE DIR	PUB SCHOOL FACIL & TRANS	1	GRADE SE01
(2)	N046N ADE ASST DIR	ACADEMIC FACILITIES	1	GRADE GS14
(3)	G051C ADE	ACADEMIC FACIL SR PROJECT ADMIN	2	GRADE GS10



(3.1) G075C ADE PROGRAM ADMINISTRATOR	1	GRADE GS10
(4) E016C PUBLIC SCHOOL PROGRAM COORDINATOR	1	GRADE GS10
(5) G090C ADE AREA PROJECT MANAGER	12	GRADE GS09
(6) G039C SENIOR TRANSPORTATION MANAGER	1	GRADE GS09
(7) C037C ADMINISTRATIVE ANALYST	1	GRADE GS06
(8) A074C FISCAL SUPPORT SUPERVISOR	1	GRADE GS06
(9) S028C SCHOOL BUS DRIVER TRAINER	3	GRADE GS05
(10) X116C SCHOOL BUS TRANS INSPECTOR	6	GRADE GS05
(11) C056C ADMINISTRATIVE SPECIALIST III	1	GRADE GS04
(12) C073C ADMINISTRATIVE SPECIALIST II	<u>1</u>	GRADE GS03
MAX. NO. OF EMPLOYEES	32	

SECTION 2. EXTRA HELP - OPERATIONS. There is hereby authorized, for the Department of Education - Division of Public School Academic Facilities and Transportation 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 3. APPROPRIATION - OPERATIONS. There is hereby appropriated, to the Department of Education, to be payable from the Division of Public School Academic Facilities and Transportation Fund Account, for personal services and operating expenses of the Department of Education - Division of Public School Academic Facilities and Transportation - Operations for the fiscal year ending June 30, 2024, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2023-2024</u>
(01) REGULAR SALARIES	\$1,800,180
(02) EXTRA HELP	2,500
(03) PERSONAL SERVICES MATCHING	632,758
(04) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	319,311
(B) CONF. & TRAVEL	24,650

(C) PROF. FEES	0
(D) CAP. OUTLAY	0
(E) DATA PROC.	0
(05) SAFETY TRAINING	<u>207,500</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$2,986,899</u></u>

SECTION 4. APPROPRIATION - PROGRAMS OF THE DIVISION OF PUBLIC SCHOOL ACADEMIC FACILITIES AND TRANSPORTATION. There is hereby appropriated, to the Department of Education, to be payable from the Educational Facilities Partnership Fund Account, for grants and aid and special programs providing academic school facility and transportation assistance to the public school districts of the Department of Education - Division of Public School Academic Facilities and Transportation for the fiscal year ending June 30, 2024, the following:

ITEM NO.	FISCAL YEAR 2023-2024
(01) ACADEMIC FACILITIES PARTNERSHIP	\$211,828,951
(02) ACADEMIC EQUIPMENT	0
(03) ACADEMIC FACILITIES CATASTROPHIC	3,511,538
(04) ACADEMIC FACILITIES EXTRAORDINARY CIRCUMSTANCES PROGRAM	0
(05) ACADEMIC FACILITIES HIGH GROWTH	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$215,340,489</u></u>

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

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

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

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 – Division of Public School Academic Facilities and Transportation may operate more efficiently if some flexibility is provided to the Director of the Department of Education – Division of Public School Academic Facilities and Transportation authorizing broad powers under the Transfer Authority provision herein. 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 7. 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 8. 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 9. 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*