

Act 36 of the First Special Session of 1989.

Act 36

SB34

By: Joint Budget Committee

For An Act To Be Entitled
"AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND
OPERATING EXPENSES OF THE ARKANSAS DEVELOPMENT FINANCE
AUTHORITY FOR THE BIENNIAL PERIOD ENDING JUNE 30, 1991; AND
FOR OTHER PURPOSES."

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

SECTION 1. REGULAR SALARIES. There is hereby established for the
Arkansas Development Finance Authority for the 1989-91 biennium, the
following maximum number of regular employees whose salaries shall be governed
by the provisions of the Uniform Classification and Compensation Act, or its
successor, and all laws amendatory thereto. Provided, however, that any
position to which a specific maximum annual salary is set out herein in
dollars, shall be exempt from the provisions of said Uniform Classification
and Compensation Act. All persons occupying positions authorized herein are
hereby governed by the provisions of the Regular Salaries Procedures and
Restrictions Act, or its successor.

Table with 5 columns: Item No., Class Code, Title, Maximum No. of Employees, and Maximum Annual Salary Rate (Fiscal Years 1989-90 and 1990-91). Rows list various job titles like EXECUTIVE DIRECTOR, DEPUTY DIR ECON DEVELOP, etc., with corresponding employee counts and salary rates or grades.

SECTION 2. APPROPRIATIONS. There is hereby appropriated to the Arkansas

Development Finance Authority, to be payable from cash funds of the Arkansas Development Finance Authority, for personal services and operating expenses of the Arkansas Development Finance Authority for the biennial period ending June 30, 1991, the following:

ITEM		FISCAL YEARS	
NO.		1989-90	1990-91
(01)	REGULAR SALARIES	\$ 1,183,955	\$ 1,215,982
(02)	PERSONAL SERV MATCHING	279,587	295,781
(03)	MAINT. & GEN. OPERATION		
	(A) OPER. EXPENSES	\$ 412,790	\$ 461,277
	(B) CONF. & TRAVEL	31,955	36,900
	(C) PROF. FEES	61,000	71,000
	(D) CAPITAL OUTLAY	30,000	30,000
	(E) DATA PROCESSING	0	0
	TOTAL MAINT. & GEN. OPER.	535,745	599,177
(04)	HOUSING RENTAL ASSISTANCE	6,750,000	7,000,000
(05)	DATA PROCESSING-NON STATE	250,000	100,000
	TOTAL AMOUNT APPROPRIATED	\$ 8,999,287	\$ 9,210,940

SECTION 3. APPROPRIATIONS - HOME EQUITY LOAN PROGRAM. There is hereby appropriated to the Arkansas Development Finance Authority, to be payable from cash funds of the Arkansas Development Finance Authority, for operating expenses of the Arkansas Development Finance Authority - Home Equity Loan Program for the biennial period ending June 30, 1991, the following:

ITEM		FISCAL YEARS	
NO.		1989-90	1990-91
(01)	MAINT. & GEN. OPERATION		
	(A) OPER. EXPENSES	\$ 6,000	\$ 6,000
	(B) CONF. & TRAVEL	0	0
	(C) PROF. FEES	1,200	1,200
	(D) CAPITAL OUTLAY	0	0
	(E) DATA PROCESSING	0	0
	TOTAL MAINT. & GEN. OPER.	7,200	7,200
(02)	PAYMENT TO PARTICIPANTS	12,000	12,000
	TOTAL AMOUNT APPROPRIATED	\$ 19,200	\$ 19,200

SECTION 4. APPROPRIATIONS - GENERAL IMPROVEMENT FUND TRANSFER. There is hereby appropriated, to the Arkansas Development Finance Authority, to be payable from the General Improvement Fund, for the purpose of allowing a fund transfer to the Arkansas Development Finance Authority's Construction Grants Revolving Loan Fund, for the biennial period ending June 30, 1991, the following:

ITEM		FISCAL YEARS	
NO.		1989-90	1990-91
(01)	TRANSFER TO CONSTRUCTION GRANTS REVOLVING LOAN FUND	\$ 3,200,000	\$ 3,200,000

SECTION 5. APPROPRIATIONS - GOVERNMENTAL CONSTRUCTION GRANT LOANS. There is hereby appropriated, to the Arkansas Development Finance Authority, to be payable from the Construction Grants Revolving Loan Fund, for providing grants to municipalities for the construction of sewage treatment facilities for the biennial period ending June 30, 1991, the following:

ITEM		FISCAL YEARS	
NO.		1989-90	1990-91

(01) CONSTRUCTION GRANT LOANS \$ 19,200,000 \$ 19,200,000

SECTION 6. APPROPRIATIONS - FARMER MAC GUARANTEED LOAN PROGRAM. There is hereby appropriated to the Arkansas Development Finance Authority, to be payable from cash funds of the Arkansas Development Finance Authority, for operating expenses of the Arkansas Development Finance Authority - Farmer Mac Guaranteed Loan Program for the biennial period ending June 30, 1991, the following:

ITEM NO.	FISCAL YEARS	
	1989-90	1990-91
(01) REGULAR SALARIES	\$ 46,000	\$ 49,500
(02) PERSONAL SERVICES MATCHING	11,040	11,880
(03) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSES	\$ 9,000	\$ 11,000
(B) CONF. & TRAVEL	2,000	2,000
(C) PROF. FEES	15,000	5,000
(D) CAPITAL OUTLAY	3,000	1,000
(E) DATA PROCESSING	0	0
TOTAL MAINT. & GEN. OPER.	20,000	19,000
TOTAL AMOUNT APPROPRIATED	\$ 86,040	\$ 80,380

SECTION 7. REGULAR SALARIES - AGRICULTURAL LOAN MEDIATION AND DEVELOPMENT PROGRAM. There is hereby established for the Arkansas Development Finance Authority - Agricultural Mediation and Development Program for the 1989-91 biennium, the following maximum number of regular employees whose salaries shall be governed by the provisions of the Uniform Classification and Compensation Act, or its successor, and all laws amendatory thereto. Provided, however, that any position to which a specific maximum annual salary is set out herein in dollars, shall be exempt from the provisions of said Uniform Classification and Compensation Act. All persons occupying positions authorized herein are hereby governed by the provisions of the Regular Salaries Procedures and Restrictions Act, or its successor.

Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Years	
				1989-90	1990-91
(1)	9611	AFDA Deputy Director of Agri	1	\$ 47,581	\$ 49,960
(2)	A032	Agency Fiscal Manager	2	GRADE 22	
(3)	R134	Planning Specialist II	1	GRADE 17	
		Maximum No. of Employees	4		

SECTION 8. APPROPRIATIONS - AGRICULTURAL LOAN MEDIATION AND DEVELOPMENT PROGRAM. There is hereby appropriated, to the Arkansas Development Finance Authority, to be payable from cash funds of the Arkansas Development Finance Authority, for operating expenses of the Arkansas Development Finance Authority - Agricultural Loan Mediation and Development Program for the biennial period ending June 30, 1991, the following:

ITEM NO.	FISCAL YEARS	
	1989-90	1990-91
(01) REGULAR SALARIES	\$ 117,581	\$ 126,960
(02) PERSONAL SERVICES MATCHING	27,259	29,270
(03) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSES	\$ 22,000	\$ 25,000
(B) CONF. & TRAVEL	4,500	5,500

(C) PROF. FEES	17,000	9,000		
(D) CAPITAL OUTLAY	5,500	2,500		
(E) DATA PROCESSING	0	0		
TOTAL MAINT. & GEN. OPER.			49,000	42,000
TOTAL AMOUNT APPROPRIATED			\$ 193,840	\$ 198,230

SECTION 9. The disbursement of the funds appropriated in Sections 4 and 5 of this Act shall be in accordance with the Construction Grants Priority System developed and administered by the Department of Pollution Control & Ecology and shall be in accordance with project requirements and regulations of the Department of Pollution Control & Ecology and the U.S. Environmental Protection Agency.

SECTION 10. Funds appropriated and transferred under Section 4 of this Act may be utilized as a source of lending to entities of government in order to match federal funds provided for the Construction Grants Program for the construction of municipal wastewater treatment facilities.

SECTION 11. (a) The Arkansas Development Finance Authority shall not employ or select any investment banker, consultant, professional financial advisor or attorney unless the selection criteria to be used in the selection has been submitted to the Arkansas Legislative Council for review.

(b) The Arkansas Development Finance Authority shall, as soon as practicable after closing any new bond issue, submit a program fact sheet for the issue to the Arkansas Legislative Council for its review. The program fact sheet shall include, but not be limited to, the fees, interest rates, average coupon life of the securities and gross spread for the issue.

SECTION 12. Highly competitive job market conditions exist for Mortgage Purchase Underwriters (Planning Specialists II). To assist the Agency to recruit and retain personnel for the Single Family Mortgage Purchase Program, the Arkansas Development Finance Authority is authorized special rates of pay for current and new employees to step six for the classification of Planning Specialist II, Grade 17, Class Code R134.

This provision shall be in full force and effect for the biennium beginning July 1, 1989 and ending June 30, 1991.

SECTION 13. EMPLOYMENT OF ATTORNEYS. None of the funds appropriated in this Act for Maintenance and General Operation shall be expended in payment for services of attorneys, unless the agency shall first make a request in writing to the Attorney General of the State of Arkansas to provide the required legal services. The Attorney General's Office shall provide the requested legal services, or, if the Attorney General's Office shall determine that sufficient personnel are not available to provide the requested legal services, the Attorney General shall certify the same to the agency and may authorize the agency to employ legal counsel and to expend monies appropriated for Maintenance and General Operations therefor, if:

(1) The Attorney General determines, and certifies in writing, that such agency needs the advice or assistance of legal counsel, and

(2) The Attorney General consents in writing to the employment of the legal counsel to be retained by the agency.

Such certification shall be required with respect to each instance of the employment of special legal counsel, or shall be required annually with respect to legal counsel employed on a retainer basis. A copy of such certification shall be entered in the official minutes of the agency, and shall be retained in the fiscal records of the agency for audit purposes.

SECTION 14. 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 Purchasing 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 15. 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 16. In order to make the Arkansas Farm Mediation Act, the same being Act 829 of 1989, more in compliance with federal regulations and therefore to make the Arkansas Farm Mediation Office more eligible to receive federal funding, Section 11 of Act 829 of 1989 is hereby repealed.

SECTION 17. In addition to the two (2) members of the Agriculture Subcommittee of the Arkansas Development Finance Authority provided for in Arkansas Code 15-5-202(f), the same being Section 3 of Act 885 of 1989, the Agriculture Subcommittee shall also include three (3) members of the Senate Committee on Agriculture and Economic Development to be designated by the Chairman of the Committee, and three (3) members of the House Committee on Agriculture and Economic Development to be designated by the Chairman of the Committee, who shall serve as ex-officio members of the Agriculture Subcommittee of the Arkansas Development Finance Authority.

SECTION 18. All provisions of this Act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code. Act 828 of 1989 is hereby repealed.

SECTION 19. EMERGENCY CLAUSE. It is hereby found and determined by the Seventy-Seventh General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a two (2) year period; that the effectiveness of this Act on July 1, 1989 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 Regular Session, the delay in the effective date of this Act beyond July 1, 1989 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, 1989.

APPROVED: June 23, 1989
