

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009
4

A Bill

SENATE BILL 746

5 By: Senator Broadway
6 By: Representative Webb
7

For An Act To Be Entitled

10 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL
11 SERVICES AND OPERATING EXPENSES FOR THE ARKANSAS
12 BUILDING AUTHORITY - SUSTAINABLE BUILDING DESIGN
13 PROGRAM FOR THE FISCAL YEAR ENDING JUNE 30, 2010;
14 AND FOR OTHER PURPOSES.

Subtitle

18 AN ACT FOR THE ARKANSAS BUILDING
19 AUTHORITY - SUSTAINABLE BUILDING DESIGN
20 PROGRAM APPROPRIATION FOR THE 2009-2010
21 FISCAL YEAR.
22
23

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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26 SECTION 1. REGULAR SALARIES - SUSTAINABLE BUILDING DESIGN PROGRAM. There
27 is hereby established for the Arkansas Building Authority for the 2009-2010
28 fiscal year, the following maximum number of regular employees whose salaries
29 shall be governed by the provisions of the Uniform Classification and
30 Compensation Act (Arkansas Code §§21-5-201 et seq.), or its successor, and
31 all laws amendatory thereto. Provided, however, that any position to which a
32 specific maximum annual salary is set out herein in dollars, shall be exempt
33 from the provisions of said Uniform Classification and Compensation Act. All
34 persons occupying positions authorized herein are hereby governed by the
35 provisions of the Regular Salaries Procedures and Restrictions Act (Arkansas
36 Code §21-5-101), or its successor.



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Item No.	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 2009-2010
(1)	ENERGY CONSERVATION MANAGER	<u>1</u>	GRADE C119
	MAX. NO. OF EMPLOYEES	1	

SECTION 2. APPROPRIATION - SUSTAINABLE BUILDING DESIGN PROGRAM. There is hereby appropriated, to the Arkansas Building Authority, to be payable from the Arkansas Building Authority Maintenance Fund, for personal services and operating expenses of the Arkansas Building Authority - Sustainable Building Design Program for the fiscal year ending June 30, 2010, the following:

ITEM NO.	FISCAL YEAR 2009-2010
(01) REGULAR SALARIES	\$ 37,743
(02) PERSONAL SERV MATCHING	10,568
(03) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	10,000
(B) CONF. & TRAVEL	0
(C) PROF. FEES	0
(D) CAP. OUTLAY	5,000
(E) DATA PROC.	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 63,311</u>

SECTION 3. APPROPRIATION - SUSTAINABLE BUILDING DESIGN PROGRAM REVOLVING LOAN FUND. There is hereby appropriated, to the Arkansas Building Authority, to be payable from the Sustainable Building Design Revolving Loan Fund, for transfers or loans to state agencies, boards or commissions for construction, renovation, maintenance and operating expenses for the Sustainable Building Design Program for the fiscal year ending June 30, 2010, the following:

ITEM NO.	FISCAL YEAR 2009-2010
(01) LOANS FOR THE SUSTAINABLE BUILDING DESIGN	

1 PROGRAM FOR AGENCIES, BOARDS OR COMMISSIONS
 2 FOR CONSTRUCTION, RENOVATION,
 3 MAINTENANCE AND OPERATING EXPENSES \$ 15,000,000
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5 SECTION 4. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 6 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

7 SUSTAINABLE BUILDING DESIGN PROGRAM - TRANSFER. In the event there is not
 8 sufficient appropriation and/or funding provided for by the General Assembly
 9 for any state agency, board or commission to participate in the Sustainable
 10 Building Design Program for renovations of state owned property which exceeds
 11 two hundred fifty thousand dollars (\$250,000), the agency may request a
 12 transfer from the Sustainable Building Design Program appropriation
 13 authorized in Section 3 of this Act from the Chief Fiscal Officer of the
 14 State. The request shall clearly state the amount required and such other
 15 information as may be required by the Chief Fiscal Officer of the State
 16 necessary to make a decision regarding the request. Upon approval of the
 17 Chief Fiscal Officer of the State and prior review by the Arkansas
 18 Legislative Council or Joint Budget Committee, the State Auditor shall be
 19 notified as of the amount and the purposes for which the appropriation and/or
 20 funding is to be transferred and shall be established upon the books of the
 21 Department of Finance and Administration and the State Auditor. If desired,
 22 the appropriation may be supplemental to those regularly appropriated for
 23 like purposes by the General Assembly for that agency.
 24 Provided further, that all state agencies, boards or commissions shall have
 25 prior approval by the Arkansas Building Authority as authorized for the
 26 Sustainable Building Design Program in accordance with established Rules and
 27 Regulations.

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 29 SECTION 5. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 30 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

31 SUSTAINABLE BUILDING DESIGN PROGRAM - REVOLVING LOAN FUND. The Sustainable
 32 Building Design Program Appropriation is intended to provide additional
 33 appropriation authority for the Sustainable Building Design Program. Funding
 34 for the program may be made available by the Chief Fiscal Officer of the
 35 State, in the form of a loan, from a transfer from the Sustainable Building
 36 Design Revolving Loan Fund after the required review by the Arkansas

1 Legislative Council or Joint Budget Committee, approval by the Chief Fiscal
2 Officer of the State and approval through rules and regulations established
3 and administered by the Arkansas Building Authority. Moneys made available
4 for the repayment of a loan shall be deposited to the credit of the
5 Sustainable Building Design Revolving Loan Fund as a "Refund to Expenditure"
6 for the year in which the deposit is made. In the event that the funds for
7 the repayment of a loan are held in depositories other than the State
8 Treasury, the administrative head of the affected state agency shall issue a
9 check drawn against the funds, which shall be deposited in the Sustainable
10 Building Design Revolving Loan Fund.

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12 SECTION 6. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
13 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
14 SUSTAINABLE BUILDING DESIGN PROGRAM - RULES AND REGULATIONS. Rules and
15 Regulations shall be established and administered by the Arkansas Building
16 Authority for the Sustainable Building Design Program prior to the
17 implementation of any transfers of appropriation and/or funding. The Rules
18 and Regulations shall be reviewed by the Legislative Council or Joint Budget
19 Committee prior to implementation.

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21 SECTION 7. SPECIAL LANGUAGE. Sustainable Building Design Revolving Loan
22 Fund.

23 (a) There is hereby created on the books of the Treasurer of State, Auditor
24 of State, and Chief Fiscal Officer of the State a miscellaneous fund to be
25 known as the "Sustainable Building Design Revolving Loan Fund".

26 (b)(1) The fund shall consist of funds transferred to it from the General
27 Improvement Fund or other funds, gifts, bequests, foundation grants and
28 gifts, Governor's or other emergency funds, federal grants and matching
29 funds, proceeds from bond issues, service charges or fees, interagency
30 transfers of funds, and other funds as may be appropriated by the General
31 Assembly.

32 (2) The fund shall consist of funds received from agencies, boards or
33 commissions to repay loans for the Sustainable Building Design Program, funds
34 made available by the General Assembly from time to time and such revenues as
35 may be authorized by law.

36 (c) The fund shall be used to provide loans to agencies for the Sustainable

1 Building Design Program as authorized by law and approved by the Chief Fiscal
2 Officer of the State.

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4 SECTION 8. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
5 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUNDING
6 TRANSFER. The Chief Fiscal Officer of the State may transfer from time to
7 time on his or her books and those of the State Treasurer and the Auditor of
8 the State funding which is made available from General Improvement Funds
9 allocated and distributed to the Arkansas Building Authority in an amount not
10 to exceed three million dollars (\$3,000,000) from the General Improvement
11 Fund or its successor fund or fund accounts to the Sustainable Building
12 Design Revolving Loan Fund to provide funds for the appropriation provided
13 herein or for appropriation authority as may be provided by law to provide
14 loans to agencies for the Sustainable Building Design Program.

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16 SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
17 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUNDING
18 TRANSFER. From time to time, the Chief Fiscal Office of the State may
19 transfer on his or her books and those of the State Treasurer and the Auditor
20 of the State the sum not to exceed twelve million dollars (\$12,000,000) from
21 Federal Funds as determined by the Chief Fiscal Officer of the State to the
22 Sustainable Building Design Revolving Loan Fund to provide funds for the
23 appropriations herein.

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25 SECTION 10. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized
26 by this act shall be limited to the appropriation for such agency and funds
27 made available by law for the support of such appropriations; and the
28 restrictions of the State Procurement Law, the General Accounting and
29 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
30 Procedures and Restrictions Act, or their successors, and other fiscal
31 control laws of this State, where applicable, and regulations promulgated by
32 the Department of Finance and Administration, as authorized by law, shall be
33 strictly complied with in disbursement of said funds.

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35 SECTION 11. LEGISLATIVE INTENT. It is the intent of the General Assembly
36 that any funds disbursed under the authority of the appropriations contained

1 in this act shall be in compliance with the stated reasons for which this act
2 was adopted, as evidenced by the Agency Requests, Executive Recommendations
3 and Legislative Recommendations contained in the budget manuals prepared by
4 the Department of Finance and Administration, letters, or summarized oral
5 testimony in the official minutes of the Arkansas Legislative Council or
6 Joint Budget Committee which relate to its passage and adoption.

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8 SECTION 12. EMERGENCY CLAUSE. It is found and determined by the General
9 Assembly, that the Constitution of the State of Arkansas prohibits the
10 appropriation of funds for more than a one (1) year period; that the
11 effectiveness of this Act on July 1, 2009 is essential to the operation of
12 the agency for which the appropriations in this Act are provided, and that in
13 the event of an extension of the Regular Session, the delay in the effective
14 date of this Act beyond July 1, 2009 could work irreparable harm upon the
15 proper administration and provision of essential governmental programs.
16 Therefore, an emergency is hereby declared to exist and this Act being
17 necessary for the immediate preservation of the public peace, health and
18 safety shall be in full force and effect from and after July 1, 2009.

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